

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

VELERON HOLDING, B.V.,

Plaintiff,

- against -

BNP PARIBAS SA; MORGAN STANLEY;
MORGAN STANLEY CAPITAL SERVICES, INC.;
MORGAN STANLEY & CO., INCORPORATED;
MORGAN STANLEY & CO.; CREDIT SUISSE
INTERNATIONAL; NEXGEN/NATIXIS CAPITAL
LIMITED; and THE ROYAL BANK OF
SCOTLAND N.V.,

Defendants.

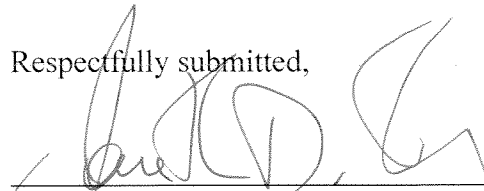
Index No.: 12-cv-5966 (CM)

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, the Statement Pursuant to S.D.N.Y. Local Civil Rule 56.1, the Declaration of Jonathan D. Polkes (and the exhibits annexed thereto), Defendants Morgan Stanley, Morgan Stanley Capital Services, Inc., Morgan Stanley & Co., Inc., and Morgan Stanley & Co. (collectively, "Morgan Stanley"), by their counsel, hereby moves this Court, before the Honorable Colleen McMahon, United States District Judge, United States District Court for the Southern District of New York, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Room 1640, New York, New York 10007, for an order granting summary judgment dismissing the Ninth Cause of Action of the First Amended Complaint with prejudice as against it pursuant to Rule 56 of the Federal Rules of Civil Procedure, and for such other relief as this Court may deem just and proper.

Dated: December 26, 2013
New York, New York

Respectfully submitted,



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Morgan Stanley & Co. Inc., and Morgan
Stanley & Co.*